

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHNEUR LEVERTOV,  
*individually and on behalf of all others similarly  
situated*

Plaintiffs,

-against-

I.C. SYSTEM, INC.,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8/1/19

No. 18 Civ. 09298 (NSR)  
ORDER

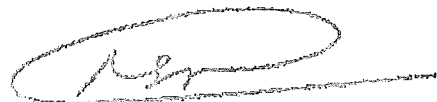
NELSON S. ROMÁN, United States District Judge

On October 11, 2018, Plaintiff Shneur Levertov filed a Complaint, individually and on behalf of all others similarly situated, pursuant to the Fair Debt Collection Practices Act. (ECF No. 1.) Defendant filed its Answer on November 8, 2018, nearly nine months ago. (ECF No. 7.) No further litigation has occurred. Since then, Plaintiff has reached out to the Court multiple times to set an initial case management conference and has reached out to Defendant in order to submit a proposed case management plan. (*See* Pl. Letter Dated July 30, 2019.) Plaintiff represents that he has repeatedly been unsuccessful in communicating with Defendant's counsel by email, phone, or otherwise. (*Id.*) In light of Plaintiff's inability to move this case forward to discovery due to Defendant's lack of cooperation, Plaintiff is directed to submit a case management plan on ECF and by fax with proposed dates for discovery by no later than August 15, 2019, using the form attached hereto. The Court waives the parties' need for an initial pretrial conference.

Dated: August 1, 2019

White Plains, New York

SO ORDERED:



NELSON S. ROMÁN  
United States District Judge

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July 30, 2019

Honorable U.S. District Judge Nelson S. Román  
United States District Courthouse  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601  
*Via Fax*

**Re: Leverlov v. I.C. System, Inc.**  
**Civil Action No: 7:18-cv-09298-NSR**

To the Honorable U.S. District Judge Román,

The undersigned represents the Plaintiff, Shneur Leverlov, in this action brought pursuant to the Fair Debt Collection Practices Act. This Letter is respectfully submitted per direction received from Chambers, following my call this past week. The purpose of the Letter is to request that an Initial Conference be scheduled in this action, which was commenced nearly a year ago.

On October 11, 2018, the undersigned commenced this action via the filing of a Class Action Complaint. *See*, Docket 1. Defendant then filed its Answer on November 8, 2018, nearly nine months ago. *See*, Docket 7. Nothing has happened in this case since. Finally, on June 14, 2018, the undersigned called the Court, to ensure that this case had not been overlooked. At that time, the undersigned was advised to ask the Defendant's counsel if he was available to participate in an Initial Conference on June 28, 2019. The undersigned spoke with Defendant's counsel on that date, who advised that he was not available, and who offered three alternative dates. However, the Court had no availability on those three other dates.

The Court's deputy then advised the undersigned that if the parties submit a proposed Case Management Report, the Court could approve the Report and waive the Initial Conference. On that same date, June 24, 2019, the undersigned accordingly prepared a proposed Case Management Report and emailed it to Defendant's counsel. *See*, Exhibit A. The undersigned has since followed up with the Defendant's counsel by email and by several phone calls and voice mails, but has heard nothing back.

Given Defendant's counsel's unwillingness to work with the undersigned to agree to a Proposed Case Management Report, it is respectfully requested that an Initial Conference be scheduled, so that the parties may finally engage in discovery. This is of heightened concern in this action, where the Plaintiff seeks to represent a putative class action, and where the passage of time could create added difficulties in mailing class notice to these class members. Defendant's counsel is copied on this communication.

Respectfully submitted,

/s/ Yitzchak Zelman, Esq.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Rev. May 2014

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**CIVIL CASE DISCOVERY PLAN  
AND SCHEDULING ORDER**

Plaintiff(s),

- against -

Defendant(s).

\_\_\_\_\_ CV \_\_\_\_\_ (NSR)

-----X

This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by \_\_\_\_\_.
4. Amended pleadings may be filed until \_\_\_\_\_. Any party seeking to amend its pleadings after that date must seek leave of court via motion.
5. Interrogatories shall be served no later than \_\_\_\_\_, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [shall] [shall not] apply to this case.
6. First request for production of documents, if any, shall be served no later than \_\_\_\_\_.
7. Non-expert depositions shall be completed by \_\_\_\_\_.
  - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.
  - c. Whenever possible, unless counsel agree otherwise or the Court so orders,

non-party depositions shall follow party depositions.

8. Any further interrogatories, including expert interrogatories, shall be served no later than \_\_\_\_\_.
9. Requests to Admit, if any, shall be served no later than \_\_\_\_\_.
10. Expert reports shall be served no later than \_\_\_\_\_.
11. Rebuttal expert reports shall be served no later than \_\_\_\_\_.
12. Expert depositions shall be completed by \_\_\_\_\_.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
14. **ALL DISCOVERY SHALL BE COMPLETED BY \_\_\_\_\_.**
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. \_\_\_\_\_.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. The next case management conference is scheduled for \_\_\_\_\_, at \_\_\_\_\_. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: White Plains, New York

\_\_\_\_\_

\_\_\_\_\_  
Nelson S. Román, U.S. District Judge